

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **November 11, 2003**

AGENDA ITEM NO.: 7

CONSENT: **X**

REGULAR:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Street Dedications and Namings Request – Bethel Park, Wiggington Road**

RECOMMENDATION: Approval of resolution to approve the street dedications and namings

SUMMARY:

The Technical Review Committee reviewed the conceptual subdivision plat and found that it meets the major Subdivision Ordinance requirements.

The Emergency Communications Administrator, the Traffic Engineer, the Fire Marshal and the Lynchburg Post Office Customer Services Manager had no concerns with the name of Bethel Park Drive and Trinity Court for the new street names.

PRIOR ACTION(S):

October 22: Planning Commission recommended approval
Planning Division recommended approval

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 847-1508, ext. 253
Annette Chenault / 847-1508, ext. 258

ATTACHMENT(S):

- Resolution
- PC Report
- PC minutes
- Preliminary Subdivision Plat by Hurt & Proffitt, Inc. **(Maps can be viewed in the office of Community Planning & Development, 2nd Floor, City Hall, 900 Church St., Lynchburg, VA)**

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION APPROVING A SUBDIVISION PLAT, INCLUDING THE DEDICATION OF TWO (2) PUBLIC STREETS, AND NAMING THE NEW STREETS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG That the preliminary subdivision plat entitled "Bethel Park Subdivision," made by Hurt & Proffitt, Inc., dated September 9, 2003, subdividing approximately fifty-two (52) acres off of Wiggington Road into forty-three (43) lots for residential development, including the dedication of two (2) public streets to be constructed in compliance with the above referenced plat, be, and the same is hereby, approved and accepted, contingent upon the property owners obtaining construction bonds and the recording of an executed subdivision plat. The failure of the property owners to comply with these conditions shall render the acceptance of the two (2) public streets null and void, and

BE IT FURTHER RESOLVED That the names of "Bethel Park Drive" and "Trinity Court" are hereby approved for the two (2) new public streets in the Bethel Park Subdivision.

Adopted:

Certified:

Clerk of Council

187L

THE DEPARTMENT of COMMUNITY PLANNING & DEVELOPMENT

City Hall, Lynchburg, VA 24504

804.847.1508

To: Planning Commission
From: Planning Division
Date: October 22, 2003
RE: STREET DEDICATIONS AND NAMINGS REQUEST – BETHEL PARK, WIGGINGTON ROAD

SYNOPSIS Burruss Properties, Inc. and James R. Burruss, Jr., property owners, are requesting approval of two street dedications for the proposed *Bethel Park Subdivision*, which would subdivide approximately 52 acres into 43 lots for residential development. The proposed development would be served by the dedication of two public streets to be named *Bethel Park Drive* and *Trinity Court*.

SUMMARY

The Technical Review Committee reviewed the conceptual subdivision plat and found that it meets the major Subdivision Ordinance requirements.

The Emergency Communications Administrator, the Traffic Engineer, the Fire Marshal and the Lynchburg Post Office Customer Services Manager have no concerns with the names of Bethel Park Drive and Trinity Court for the new streets.

Planning Division recommends approval of the street dedications and street namings request.

REQUIRED ACTION

Consideration of the Planning Division's recommendation.

BACKGROUND

Mr. James R. Burruss, Jr., and Mr. J. A. Michael Nichols, Hurt & Proffitt, Inc., represent the request. The subject tract of land contains a total of approximately 52 acres, which would be subdivided into 43 lots for residential development, with 2.8 acres to be dedicated to the City of Lynchburg for rights-of-way purposes.

A majority of the property is zoned R-1, Low Density, Single-Family Residential District. A strip of R-C, Conservation District, fifty feet in width on each side of the Creek extends along Cheese Creek on the northern portion of the property.

Access to the lots would be provided by two new public streets to be named Bethel Park Drive and Trinity Court. Bethel Park Drive, with 50 feet of right-of-way, is proposed to extend from Wiggington Road approximately 1,200 feet in a northerly direction to its terminus in a cul-de-sac. Trinity Court, with 50 feet of right-of-way, is proposed to extend from Bethel Park Drive approximately 1,000 feet in a northwesterly direction to its terminus in a cul-de-sac. Six of the lots would have access directly from Wiggington Road.

Water and sewer services will be available from the City of Lynchburg. Utilities for the new development are to be located underground.

The Emergency Communications Administrator, the Traffic Engineer, the Fire Marshal and the Lynchburg Post Office Customer Services Manager have no concerns with the names of Bethel Park Drive and Trinity Court for the new street names.

The Subdivision Ordinance requires Planning Commission and City Council review and approval because the subdivision proposes the dedication of new public streets and street namings.

TECHNICAL REVIEW COMMITTEE COMMENTS

On September 30 the Technical Review Committee (TRC) reviewed a conceptual subdivision plat for the subject property. The TRC noted the need for several revisions, most of which are minor in nature and are expected to be resolved by the petitioner prior to the approval of a final subdivision plat. The TRC made the following comments of significance to the consideration of the requested subdivision:

- "1. Proposed Lot 24 must meet setback requirements.
2. Road, water and sewer plans must be submitted to the Engineering Division for approval.

3. Resolve parcel of land on frontage of Lots 41 and 42 between dedicated right-of-way line along Wiggington Road.
4. Label the new R-O-W on Wiggington Road as 50 feet.
5. Lots (fronting on Wiggington Road) shall not have direct access to Wiggington Road.
6. Right turn lane will be required with consideration of a left turn lane."

Regarding Comment #5, Gerry Harter, Traffic Engineer, worked with Hurt & Proffitt, Inc., and Mr. Burruss to address this issue. It was agreed that six lots would have direct access to Wiggington Road. It was also agreed that Lots 2 and 38 would have access off Bethel Park Place.

PLANNING DIVISION RECOMMENDATION

Based on the preceding information and analysis, the Planning Division recommends the following:

That the Planning Commission recommends to City Council approval of the subdivision plat entitled *Bethel Park Subdivision*, by Hurt & Proffitt, Inc., dated September 9, 2003 to create 43 lots on approximately 52 acres, including the dedication of rights-of-way 50 feet in width for the proposed public streets to be named *Bethel Park Drive and Trinity Court*, to be constructed in substantial compliance with the preliminary subdivision plat. The acceptance of Bethel Park Drive and Trinity Court as public streets is contingent on Burruss Properties, Inc., and James R. Burruss, Jr., filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the streets in accordance with City standards. The failure to fully comply with these conditions shall render the City's acceptance of Bethel Park Drive and Trinity Court as public streets null and void.

This matter is hereby offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. J. Lee Newland, City Engineer
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Official
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. James R. Burruss, Jr., Property Owner
Mr. J. A. Michael Nichols, Representative

PLANNING COMMISSION MINUTES
OCTOBER 22, 2003

Burruss Properties, Inc. and James R. Burruss, Jr., property owners, are requesting approval of two street dedications for the proposed *Bethel Park Subdivision*, which would subdivide approximately 52 acres into 43 lots for residential development. The proposed development would be served by the dedication of two public streets to be named *Bethel Park Drive* and *Trinity Court*.

Mr. Tom Martin, City Planner, said the City staff recommended approval of the proposed street dedications and namings. However, he explained, after this item the City's Traffic Engineer would like to address the Planning Commission with concerns that both the Planning and Engineering staffs have relating to subdivisions.

Mr. James R. Burruss, Jr., 301 Overstreet Lane, addressed the Planning Commission. Mr. Burruss explained that he was the owner of the property, and his company, Burruss Properties, Inc., was developing the site. He said the 43 lot subdivision was similar to Irvington Springs, which he had developed in the last few years. He said the lots would sell for approximately \$50,000 each, and would be served by City water and sewer. Mr. Burruss added that he would install curb and gutter in the proposed subdivision as well as along Wiggington Road.

Commissioner Wilkins asked for clarification concerning TRC Comment #5 in the Planning Division's report stating that "Lots (fronting on Wiggington Road) shall not have direct access to Wiggington Road". She asked which lots would have direct access to Wiggington Road and which would not have direct access.

Mr. Martin said there would be direct access to Wiggington Road from six of the proposed lots.

Mr. Burruss said they had address the TRC comments by dropping one lot and proffering that Lots 2 and 38 would only have access to Bethel Park Drive, not Wiggington Road. He said when he purchased one of these parcels, he requested that the owner donate a portion of the property on the south side of the road so improvements to Wiggington Road could be made. Mr. Burruss said he would make those improvements, which would include removing the curve and installing curb and gutter. He said he understood that the City would be responsible for installing curb and gutter on the opposite side of Wiggington Road.

Chair Dahlgren asked Mr. Burruss if he had shared his plans with any of the adjoining neighbors.

Mr. Burruss said he had not spoken to any of the neighbors about this development.

Commissioner Pulliam asked if there would be a turning lane approaching Bethel Park Drive.

Mr. Burruss said the City Traffic Engineer raised that question, and Mr. Burruss thinks he is suppose to install the right turn lane into the development coming from Route 501.

After further discussion, Commissioner Wilkins made the following motion, which was seconded by Commissioner Worthington and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the subdivision plat entitled *Bethel Park Subdivision*, by Hurt & Proffitt, Inc., dated September 9, 2003 to create 43 lots on approximately 52 acres, including the dedication of rights-of-way 50 feet in width for the proposed public streets to be named *Bethel Park Drive* and *Trinity Court*, to be constructed in substantial compliance with the preliminary subdivision plat. The acceptance of Bethel Park Drive and Trinity Court as public streets is contingent on Burruss Properties, Inc., and James R. Burruss, Jr., filing a properly executed subdivision plat to be recorded among the land records in the Office of the Clerk of the Circuit Court; the filing of approved street and utility plans and the necessary construction bonds with the City; and the construction of the streets in accordance with City

standards. The failure to fully comply with these conditions shall render the City's acceptance of Bethel Park Drive and Trinity Court as public streets null and void."

AYES:	Dahlgren, Echols, Flint, Moore, Pulliam, Wilkins, Worthington	7
NOES:		0
ABSTENTIONS:		0